

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)	
REQUEST FOR CONFIDENTIAL TREATMENT)	CASE NO. 97-044
OF INFORMATION FILED IN SUPPORT OF ITS)	
ENHANCED CALLER ID SERVICE)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed January 29, 1997, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the sales, revenue and demand information filed in support of its promotion of Enhanced Caller ID ("ECID") service on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth plans to introduce ECID on February 28, 1997 as a new service. As part of the introduction, BellSouth proposes to offer a special promotion during March. Customers who order the new service during this period will have the service charge and the recurring charge waived and one month's free rental on a Caller ID CPE (customer premises equipment). In support of the planned promotion, BellSouth has filed sales, revenue and demand information which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate need to know and act upon the information. BellSouth seeks to preserve and protect the

confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

BellSouth's current competitors in the local exchange market include alternate access providers, and may soon include providers of Personal Communications Services, cable TV providers, and interexchange carriers. These competitors could offer the same service either in combination with their local service or as a separate service. If they choose to do so, the sales, revenue and demand information relating to the new service could be used in planning and devising market strategies for competing services. Therefore, disclosure of the information is likely to cause BellSouth competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the sales, revenue and demand information filed in support of the planned promotion for ECID, which BellSouth has petitioned to be withheld from public

disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 11th day of March, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director